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General debate

Letter dated 28 September 2010 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the General Assembly

I have the honour to transmit herewith the written statement of the delegation of the Islamic Republic of Iran in exercise of its right of reply to the remarks made by the President of the Republic of Argentina in the general debate of the sixty-fifth session of the General Assembly, on 24 September 2010 (see annex).

It would be highly appreciated if you could have this letter and its annex circulated as a document of the General Assembly under agenda item 8.

(Signed) Mohammad **Khazaei**
Ambassador
Permanent Representative

Annex to the letter dated 28 September 2010 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the General Assembly

1. On Friday, 24 September 2010, the President of the Republic of Argentina repeated a statement which implied the false accusations alleging the involvement of some Iranian nationals in the 1994 bombing in a building in Buenos Aires called AMIA.

2. The delegation of the Islamic Republic of Iran expresses its regret that some Argentine authorities persist in treading down the wrong path of distancing themselves from justice by levelling baseless allegations against foreign citizens instead of launching a meaningful investigation coupled with political will to identify the real perpetrators of that heinous crime.

3. We would like here to recall our position regarding this matter as outlined in our previous correspondence, including the letters dated 28 September 2007, 28 September 2008 and 28 September 2009, which were circulated as documents A/62/485, A/63/468 and A/64/481, respectively.

4. The Islamic Republic of Iran would like to reiterate its views and legal demands on the Government of Argentina as follows:

(a) The Government of the Islamic Republic of Iran has made sure that no Iranian citizen was involved, directly or indirectly, in the AMIA explosion. The Islamic Republic of Iran does not support an arbitrary proceeding which evidently infringes the fundamental rights of individuals based on their nationality and religion, and which under the pretext of fighting terrorism is arranged with obvious political objectives rather than with a view to discovering the truth and seeking justice and which is based on intentionally misleading reports by third parties;

(b) The Government of Argentina is responsible under international law for extensive violations of diplomatic law, particularly the eavesdropping on communications of the Iranian Embassy in Buenos Aires, and it should hold accountable those individuals involved in those unlawful actions and prevent the continuation of such interferences;

(c) The Government of Argentina is committed under international law to take measures to redress the rights of Iranian citizens accused baselessly, as well as those of many persons who have been arbitrarily arrested, harassed and even tortured and then released without any explanation. The Islamic Republic of Iran reserves its right to take appropriate legal measures to remedy the rights of its citizens;

(d) The Government of Argentina is responsible for engaging with terrorist groups, particularly with the notorious MKO, whose terrorist activities have caused the death and injury of thousands of innocent Iranian civilians. It is also responsible for its financial support to this terrorist group and for the payment of bribes to induce fabricated testimonies against Iranian citizens;

(e) The Government of Argentina is responsible for the terrorist attack against the former Iranian chargé d'affaires in Buenos Aires in 1995, which was carried out by a terrorist group in Argentina. The Argentine authorities have a long

overdue responsibility to identify the perpetrators, as well as those who masterminded this act, and bring them to justice;

(f) All States, including the Islamic Republic of Iran, by virtue of law, have an obligation to protect their citizens against any violation of their fundamental rights, regardless of their political or religious opinions or any other consideration;

(g) We request the Government of Argentina to desist from repeating the irrelevant hypothesis and clichés invented by a corrupt administration in the 1990s to cover up the real perpetrators and, instead, take effective measures and carry out meaningful investigations to discover the truth and to prevent the continued violation of the fundamental rights of those Iranian citizens and the discrimination against the Muslim community, which continues to be isolated and discriminated against in Argentina under the pretext of combating terrorism;

(h) There is no binding instrument on judicial cooperation between the Government of the Islamic Republic of Iran and the Government of the Republic of Argentina to provide for any judicial action in this regard. Moreover, the Government of Argentina has consistently refused to negotiate on a legal framework for cooperation on judicial matters and has insisted on imposing its unilateral schemes;

(i) The criminal investigation of the case is entirely faulty and lacks all the essential attributes of a judicial determination, and the principle of due process of law has not been duly observed. The Argentine authorities have failed to submit any evidence whatsoever indicating the involvement of any Iranian national in this crime for the consideration of the Iranian Government from whom they are seeking judicial cooperation. We recommend that the Argentine authorities review their own domestic laws and regulations concerning judicial cooperation and extradition, in particular the Argentine law on judicial cooperation of 1996;

(j) Given that, and in the absence a legal agreement on judicial cooperation between the two countries and while the Argentine authorities remain unwilling either to negotiate on such an instrument or at least provide any evidence to substantiate their accusations against Iranian citizens, any request for judicial cooperation is untenable;

(k) The Government of the Islamic Republic of Iran would like to reiterate once again that, despite all the issues mentioned above, it is interested in maintaining and enhancing its historical relations with the Republic of Argentina and stands ready to hold a constructive dialogue with the Argentine Government in a spirit of mutual respect in order to develop a clear understanding of each other's positions, and seeks to find viable solutions for the misunderstandings arising from this case.